



Appeal Decision

Site Visit made on 19 July 2021

by Mr James Blackwell LLB (Hons)

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP/P0119/W/21/3273845

58 Northville Road, Filton BS7 0RG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Sam Andrews of Andrews Capital Ltd against the decision of South Gloucestershire Council.
 - The application Ref P21/00833/F, dated 15 February 2021, was refused by notice dated 12 April 2021.
 - The development proposed is the erection of a single storey rear extension, a rear roof extension and the change of use from residential dwelling (C3) to a large house in multiple occupation for up to 8 people (sui generis) (resubmission of planning application P20/22196/F).
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension, a rear roof extension and the change of use from residential dwelling (C3) to a large house in multiple occupation for up to 8 people (sui generis) (resubmission of planning application P20/22196/F) at 58 Northville Road, Filton, BS7 0RG in accordance with the terms of the application, Ref P21/00833/F, dated 15 February 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved drawings: 3865.PL.01; 3865.PL.02 Rev B; and 3865.PL.04 Rev C.
 - 3) The off-street parking provisions, cycle storage provisions and refuse storage provisions, as shown on drawing 3865.PL02 Rev B shall be provided prior to the first use of the building as an 8 person HMO and shall be retained for those purposes thereafter.
 - 4) The development hereby permitted shall be occupied by no more than 8 persons.

Applications for Costs

2. An application for costs has been made by Andrews Capital Ltd against South Gloucestershire Council. This application is the subject of a separate decision.

Preliminary Matters

3. Since determination of the planning application, an appeal has been allowed for the proposed extension, together with a change of use from a residential

dwelling to a large house in multiple occupation (HMO) for up to 7 people¹ (Previous Appeal). As a consequence, the Council no longer wishes to defend its reasons for refusing application Ref P21/00833/F. Nonetheless, this appeal remains before me and I must assess the acceptability of the development proposed, including with reference to any objection made by those nearby.

4. On my site visit, it was apparent that the extension had already been carried out. Although the Council did not raise any concerns with the physical aspects of the development, it is worth highlighting that this element of the development is retrospective (albeit it has now been consented under the Previous Appeal in any event).
5. Since determination of the planning application, the 2019 iteration of the National Planning Policy Framework (Framework) has been superseded. The main parties have had the opportunity to comment on the changes. I have therefore determined this appeal with regard to the current version, published in July 2021.

Main Issues

6. The main issues are the effect of the proposed development on the character and appearance of the area and on highway safety.

Reasons

Character and Appearance

7. The appeal property is a semi-detached bungalow situated on a wide residential road. In the immediate vicinity of the appeal site, most neighbouring properties are bungalows of a similar size. Elsewhere along the road, dwellings are mostly two-storey. The surrounding area is predominantly residential in character.
8. The appellant's evidence states that of the 155 dwellings along Northville Road, only 4 are licensed HMOs, which equates to approximately 2.6% of the properties. Even if the proportion of HMOs is closer to 16% (as claimed by local residents), this would still mean the balance of properties along the road is heavily weighted towards C3 dwellings. Given the proximity of the road to the University of West of England, students will invariably make up a significant proportion of the local population, so this percentage seems modest in this context. Even accounting for any other pending HMO applications, and notwithstanding potential implementation of the 7 person HMO under the Previous Appeal, I am therefore satisfied that the proposed development would not lead to an over concentration of HMOs.
9. Irrespective, and consistent with the Inspector's comments under the Previous Appeal, I saw no real evidence that HMOs were a feature of the road, such as "to let" boards in the vicinity of the appeal site. Similarly, there were no visible issues with litter or refuse. I am therefore not persuaded that the existence of HMOs along this road has an unacceptable impact on the residential character of the area, nor would that arise were the appeal to be allowed.
10. In any event, assuming the change of use to a 7-person HMO were implemented under the Previous Appeal, and there is no indication before me that that would not occur regardless of the outcome of this appeal, the

¹ APP/P0119/W/21/3267761

increased occupancy arising from the addition of one bedroom would not materially alter the local housing mix nor the character of the area, as the appeal property would already be a large HMO. Any consequential increase in demand for facilities such as refuse and/or cycle storage which could potentially impact on the aesthetic of the area, can therefore already be met on the site.

11. For these reasons, I am satisfied that the proposed development would not upset the local balance and mix of housing, nor harm the character and appearance of the area. Whilst I accept that there comes a point where significant concentration of HMOs may adversely affect the character of an area, that would not be true of the incremental change that would result from this proposal. The proposal would therefore be consistent with Policy PSP39 of the Policies, Sites and Places Plan (adopted 2017) (PSP) and Policy CS17 of the Core Strategy 2006 – 2027 (adopted 2013) (Core Strategy), which seek to ensure that any change of use from a dwelling to an HMO would not harm the character and appearance of the area. The development would also be consistent with the overarching objectives of the Framework, which promote mixed communities.

Highway Safety

12. For HMO accommodation, Policy PSP16 of the PSP states that a ratio of 0.5 parking spaces is required per resident. Where this cannot be provided on site, this can be achieved through on-street parking, provided evidence is submitted to demonstrate sufficient availability. In line with this Policy, in the Previous Appeal the Inspector concluded that there would be a requirement for 4 parking spaces to accommodate the 7 person HMO. Based on the same policy requirements, an 8 person HMO would equate to the same parking requirement of 4 spaces. That is based on the rational presumption that HMO occupants are likely to be less reliant on cars than occupants of other properties.
13. The appeal property can accommodate at least one vehicle on site, which leaves a requirement for 3 on-street parking spaces. As the Inspector highlighted in the Previous Appeal, the parking survey provided by the appellant showed more than 50 parking spaces were available within 200m of the appeal site at the time the surveys were carried out. Notably, the survey also demonstrated plenty of available parking spaces immediately in front of (or very close to) the appeal property.
14. Whilst I acknowledge that they represent a particular point in time, my observations during my late morning site visit were consistent with these results, and given the width of the road, any manoeuvring associated with on-street parking is unlikely to lead to any unacceptable interference with the free flow of traffic along the road. I therefore see no reason, nor have I been presented with substantive evidence, to depart from the conclusions of the Inspector in the Previous Appeal, that there is sufficient on-street parking to accommodate an additional 3 vehicles without compromising highway safety. Even if more than 4 occupiers of the HMO were to have personal vehicles, given the current level of on-street parking availability, I am satisfied that this demand could still be comfortably met.
15. For these reasons I am satisfied that the development would not harm highway safety and would therefore comply with Policy CS8 of the Core Strategy (adopted 2013) and Policies PSP16 and PSP39 of the PSP (adopted 2017). Together, these policies require parking associated with new development to

meet the prescribed parking standards, to ensure highway safety is not compromised.

Other Matters

16. I note resident concerns relating to the road being used as a school route and issues of speeding causing hazards to children. However, as highlighted above I do not consider that the proposed development would compromise highway safety in any way that would exacerbate these issues. In terms of comments made relating to the levels of Council Tax in the area, these are not relevant to the planning merits of this appeal.

Conditions

17. To ensure sufficient certainty, I have imposed a condition specifying the approved plans which the development must adhere to. In the interests of maintaining the character and appearance of the area and highway safety, I have included a condition requiring the off-street parking, cycle storage and refuse storage to be provided prior to first occupation, which must then be retained thereafter. Finally, I have imposed a condition limiting occupancy of the HMO to 8 persons, to ensure levels of occupation do not exceed what has been applied for.

Conclusion

18. For the reasons given above, and having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal is allowed.

James Blackwell

INSPECTOR